

# **PLYMOUTH BOARD OF SELECTMEN**

**TUESDAY, MARCH 15, 2016**

MAYFLOWER ROOM, TOWN HALL, 11 LINCOLN STREET

The Selectmen held a meeting on Tuesday, March 15, 2016 at 7:00 p.m. at the Plymouth Town Hall, 11 Lincoln Street, Plymouth, MA.

Present: Kenneth A. Tavares, Chairman  
Anthony F. Provenzano, Vice Chairman  
John T. Mahoney, Jr.  
Sean P. Page  
David Malaguti  
  
Melissa Arrighi, Town Manager

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## **7:00PM - CALL TO ORDER**

Chairman Tavares called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

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## **7:02PM – TOWN MANAGER’S REPORT**

Melissa Arrighi, Town Manager, began her report by talking about the work being done at Long Beach. She explained that the main emphasis of the work was the seawall, beach nourishment and cleaning out Eel River. All of these repairs are a result of the several winter storms that damaged the area.

Mrs. Arrighi then talked about the Civics Bee that is being held on April 3, 2016 at 1:30 pm. She said it’s hosted by the Plymouth Area League of Women Voters and will be held at the Spire Center for Performing Arts, and that the public is encouraged to attend. She listed the 7 teams that will be participating this year as Carver Middle School, Carver High School, Plymouth North High School, Silver Lake, Plymouth South High School, Sacred Heart, and Duxbury High School.

Melissa Arrighi finished by talking about the Town Budget. She explained that the Board of Selectmen had voted to recommend this Budget for FY17. Since then the School Committee voted to reduce the School’s Budget by \$155,660 which was detailed on a spread sheet. She told the Board that she is meeting with the Finance Department to go over all of the recent changes to the Budget and would provide them with the results of that meeting as soon as possible.

Ken Tavares reiterated that this was a reduction in the Budget for clarification.

On a motion by David Malaguti and seconded by John Mahoney, the Board voted to recommend the reduced Budget to Town Meeting. *Voted 4/0 (Page Abstained)*

*By Roll Call: Tavares-Yes, Provenzano-Yes, Mahoney-Yes, Malaguti-Yes, Page-Abstain*

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## **7:05PM - PUBLIC COMMENT**

No Public Comments

The Board moved on to approve some of the Licenses until the first Public Hearing begins.

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## **7:14PM - PUBLIC HEARING**

- ***Sandy's at Plymouth Beach: 7:14pm***

In accordance with Chapter 138 of the Massachusetts General Laws, as amended, notice is hereby given that a Public Hearing will be held at the Plymouth Town Hall, 11 Lincoln Street, on Tuesday, March 15, 2016 at 7:10 pm to consider the application for a transfer of an All Alcohol Restaurant License from Sandra A. Cotti as Manager of Lynruba Corporation d/b/a Sandy's at Plymouth Beach, 132 Warren Avenue, to Rudolph Ferrucci, Manager.

Rudolph Ferrucci came to the podium and told the Board that he was going to be taking over Sandy's on Plymouth Beach. He said the menu would basically remain the same and that no other major changes in operations were planned. He also mentioned that Sandra Cotti was going to stay with him for the first year or two to help keep the transition seamless.

Anthony Provenzano, Vice Chairman of the Board, asked Mr. Ferrucci to tell the Board what his past experience has been in regards to running a restaurant.

Mr. Ferrucci replied by saying he has managed a Burger King, Bonanza Steak House and worked at Costco.

Chairman Tavares asked if anyone wanted to come up and speak in favor of the transfer and no one wished to speak. He then asked if anyone wanted to speak in opposition.

Souther Barnes came to the podium to speak against this transfer. He began by saying he believed that the address on the Legal Notice was wrong and that it's not 132 Warren Avenue but rather Ryder's Way. Mr. Barnes went on to say that back in 1990 the Selectmen approved allowing a concession stand and this is a far cry from that. Mr. Barnes also stated that every spring there are signs that go up at the head of the beach with rules and regulations. The first rule on the list is "no alcoholic beverages" so issuing this license is in violation by the Selectmen's own doing. He finished by saying once Sandy no longer wants the restaurant the lease should end and not be capitalized on. Any future use should be by bid, and if the Town cannot use the building it should be raised so the beach can be brought back to its natural beauty.

Chairman Tavares told Mr. Barnes that the question regarding the address has been noted and staff will check on that tomorrow morning.

Robert Betters stepped and stated that he does not represent the petitioner but he does represent Sandra Cotti. He went on to say that he would like to clarify that this is not a new license, it is a transfer of an existing license. Mr. Betters also noted that the Cotti's hold the lease until 2026 so if this transfer were to not go through the business would continue as is. He concluded by saying it's perfectly natural and useful to go to the beach and be able to have a place to go and get food and drink, and added that there have never been any safety issues since this license was issued.

David Malaguti, Selectman, stated that there are a lot of concession stands and restaurants up and down the coastline. The Board granted Sandy's a Wine and Malt License years ago, and Sandy's proved that they could be responsible making sure no drinks ever left that establishment and I assume Mr. Ferrucci will do the same. If there were previous issues regarding alcohol I would look at it differently, but where it's an existing license I have no problem.

John Mahoney, Selectman, said that he agrees with his colleague. Sandy's has been in business for 25 years without any problems or complaints. Mr. Mahoney also said that this transfer is a result of months of negotiations and that the welfare of beach goers, property owners and tax-payers was taken into consideration.

On a motion by Anthony Provenzano and seconded by Sean Page, the Board approved the transfer of Licenses for Sandy's at Plymouth Beach from Sandy Cotti to Rudolph Ferrucci. A complete list of licenses can be found under Administrative Notes. *Voted 5/0*

*By Roll Call: Tavares-Yes, Provenzano-Yes, Mahoney-Yes, Page-Yes, Malaguti-Yes*

- ***New World Tavern: 7:30pm***

In accordance with Chapter 138 of the Massachusetts General Laws, as amended, notice is hereby given that a Public Hearing will be held at the Plymouth Town Hall, 11 Lincoln Street, on Tuesday, March 15, 2016 at 7:15 pm to consider the application for an alteration of premises for New World Tavern Inc., holder of an Annual All Alcohol Restaurant License, 56 Main Street, Karl Heine, Manager.

Karl Heine told the Selectmen that the bakery next door moved out so he would like to remove the wall to add some tables and use the kitchen space as well.

Anthony Provenzano Jr spoke and said that the New World Tavern is a great place that has always been busy, and that it was great to see a business succeed.

On a motion by Anthony Provenzano Jr and seconded by John Mahoney, the Board approved the Application of Alteration for New World Tavern, 56 Main Street, Plymouth. *Voted 5/0*

*By Roll Call: Tavares-Yes, Provenzano-Yes, Mahoney-Yes, Page-Yes, Malaguti-Yes*

- ***Harbor Master 7:32pm***

Chad Hunter, Harbor Master, gave a PowerPoint presentation explaining the amount and the reasons for his proposed fee increases.

Mr. Hunter began by listing the current projects as follows:

- T-Wharf Project
- Dredging
- Transient Boater Facilities
- Public Access Improvements
- Maintenance to Existing Structures

Mr. Hunter stated that the main project was T-Wharf which is set to begin towards the end of March. He said that there is a \$2,000,000 Mass Works Grant and that the Town would have to borrow another \$1,200,000 which the Harbor Fees would have to cover.

The Harbor Master then described how these fee increases would affect the Waterways Account and compared the current fees to the proposed fees which are as follows:

**Commercial Dockage:** Currently \$20 per foot for Residents and \$30 per foot for non-resident annually or \$50 per night. Proposed Fee \$40 per foot annually for resident or Non-resident annually or \$70 per night.

**Waterway Uses:** Currently \$3 per foot for residents and \$5 per foot for non-residents annually. Proposed Fee \$150 flat rate for residents and \$250 flat rate for non-residents.

**Commercial User Pier Fee:** Currently \$500 annually per business. Proposed Fee \$1000 annually per business.

**Tender Fee:** Currently \$50. Proposed Fee \$150.

**Mooring Fees:** Currently \$8 per foot annually. Proposed Fee \$50 permit fee then \$10 per foot annually.

Mr. Hunter wanted to clarify by saying that all of the fee increases are recommended by the Revenue Enhancement Task Force.

The Harbor Master finished by saying the last bit of work to be done was to the public boat launch ramp. He said the volume has grown and that the improvements would make it user friendly as well as improving public safety.

Sean Page, Selectman, asked that since there haven't been any fee increases in quite some time did Mr. Hunter have an idea of what any future increases might be. His second question was asking when the fees would be put into effect.

Mr. Hunter replied by saying that these fees will take effect this Fiscal Year. As for future fees increases he said that it all depends on borrowing needs and if more dredging is needed.

Anthony Provenzano Jr suggested that the Harbor Master might think about adjusting fees on a regular basis rather than doubling the fees at one time.

Mr. Hunter replied by saying they are trying to disperse the impact between private and commercial users, and reiterated that these fees were based on current borrowing needs.

John Mahoney, Selectman, asked how the communication was going with the business on the Harbor that would be affected by the upcoming construction.

Mr. Hunter said that communication has worked out nicely. They have been using email to get information out to mooring holders and businesses. He added that the Yacht Cleb and Brewers have been a good resource for communication.

Selectman Malaguti commented by saying that when he first came on the Board in the early 80's there was a lot of talk about revamping the pier and that he is glad to see it finally coming to fruition.

Ken Tavares finished the discussion by thanking Chad Hunter and his staff for all of their hard work on the pier project as well as everything else. He then asked for a vote on the proposed fee increases.

On a motion by Anthony Provenzano Jr and seconded by Sean Page, the Board approved the proposed fee increases for the Plymouth Harbor Master to begin in Fiscal Year 17. *Voted 5/0 By Roll Call: Ken Tavares-Yes, Provenzano-Yes, Mahoney-Yes, Page-Yes, Malaguti-Yes*

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## 7:55PM - CONSERVATION COMMISSION INTERVIEW

Sarah Trainor Butts came to the Board of Selectmen's Meeting to discuss being appointed to the Conservation Commission's open seat. She told the Board that she is a Biology Instructor at the Upper Cape Cod Technical High School and how thrilled she was at the opportunity to serve on the Conservation Commission. She also said she had spent time with Richard Vacca from Conservation talking about the responsibilities and felt she could bring a lot to the Board.

David Malaguti said how thrilled he was to see her qualifications and enthusiasm and wished her well.

Anthony Provenzano Jr thanked her for her willingness to serves the community.

On a motion by Anthony Provenzano Jr and seconded by David Malaguti, that Board appointed Sarah Trainor Butts to the Conservation Commission. *Voted 5/0*

*By Roll Call: Tavares-Yes, Provenzano-Yes, Mahoney-Yes, Page-Yes, Malaguti-Yes*

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## 7:30PM – COUNCIL ON AGING PRESENTATION

Conni DiLego, Director of Elder Services, came to the Board of Selectmen to update them on the services and programs that the Plymouth Council on Aging provides to our senior community.

Ms. DiLego began by stating the COA's Mission Statement as follows:

We provide the community with a safe, trusted, physical and virtual environment where information and access to programs and services foster a healthy and vital lifestyle throughout the aging process.

The Director then went on to describe some of the services that the Plymouth COA has to offer such as Support Groups, Legal Advice, Financial Advice and many more. Professionals volunteer their time so some of the services are free of charge.

Ms. DiLego touched on some of the programs that are offered as well. Broken into categories they are as follows:

- Wellness: Clinics, Fitness & Exercise, Education, etc.
- Support Services: Book Clubs, Student Volunteers, GrandBuddies, etc.
- Art: Adult Coloring, Ceramics, Water Colors, Rug Making, etc.
- Technology: SmartPhone Classes, Computer Training, Social Media Safety, etc.
- Cultural: Performances, Live Music Events, Lectures, etc.
- Nutrition: Lunch Program, Meals on Wheels, Intergenerational Programs, etc.

Conni then described the growth that the COA has experienced in the last 5 years.

	<u>2010</u>	<u>2015</u>
<b>Seniors Served:</b>	399	6837
<b>Programs Offered:</b>	100	219
<b>Staff:</b>	7	10

Ms. DiLego finished by saying there are 20,000 people in Plymouth over the age of 65, which equates to 1/3 of the population so these services are needed. She pointed out that whatever costs to operate cannot be funded by the Town, the funds are raised by The Friends of the COA. The Friends are a non-profit group that raises money for the COA and the seniors through various events as well as a gift shop set up in the COA Lobby. Conni urged everyone to stop by, and then thanked the Board for inviting them to the meeting.

Each of the Selectmen expressed their gratitude to Conni and her staff for their hard work, dedication and giving a great presentation.

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## 8:15PM - TOWN MEETING ARTICLES

### Article 15

To see if the Town will vote to raise and appropriate, or transfer from available funds, or borrow a sum of money for the purchase and acquisition of land for general municipal purposes, and to design, construct, and equip a new Fire Station thereon, including all costs incidental and related thereto; and further to authorize the Board of Selectmen to take any other action necessary to carry out the purposes of this article; or take any other action relative thereto. (*No Motion No Action*)

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## 8:10PM – LICENSES AND ADMINISTRATIVE NOTES

### LICENSES

On a motion by Sean Page and seconded by Anthony Provenzano Jr, the Board approved a One Day Wine and Malt License for **Quincy College**, Laura Buckley, 36 Cordage Park Circle for a Business After Hours networking event being held on March 31, 2016 from 5:00 pm to 7:00 pm at Quincy College. *Voted 5/0*

On a motion by John Mahoney and seconded by Anthony Provenzano Jr, the Board approved a Change of Officer request for **Seaside Club of Plymouth, Mass**, 77 Forest Avenue Extension. *Voted 5/0*

Eric Cirigliano:	<i>President</i>	Stanley Skrabut:	<i>Vice President</i>
Paul Coffin:	<i>Secretary</i>	James Latosek:	<i>Treasurer</i>
William Neal:	<i>Director</i>	Jerry Grennell:	<i>Director</i>
Christopher Currier:	<i>Director</i>	Colin Higgins:	<i>Director</i>
Larry Johnson:	<i>Director</i>	Ed Solomon:	<i>Bar Manager</i>
Paul Giammarco:	<i>Dues Collector</i>	Christopher Jones:	<i>Assistant Treasurer</i>

On a motion by Anthony Provenzano Jr and seconded by Sean Page, the Board approved a Change of Officer request for **Red Robin International**, 269 Colony Place Road. *Voted 5/0*

Stuart B. Brown:	<i>President / Treasurer / Director</i>
Sarah A. Mussetter:	<i>Secretary</i>
Michael Kaplan:	<i>Vice President / Assistant Secretary / Director</i>
Red Robin Gourmet Burgers Inc:	<i>Parent Company</i>

On motion by Anthony Provenzano Jr and seconded by Sean Page, the Board approved a Pole Petition #2097460 for **NSTAR/Verizon** for the installation of (2) new poles on South Meadow Road in Plymouth, for new service at 12 South Meadow Road, Plymouth, MA.

*Voted 5/0*

On a motion by Anthony Provenzano Jr and seconded by Sean Page, the Board approved the following licenses in conjunction with a transfer of an Annual All Alcohol Restaurant License for **Lynruba Corporation d/b/a Sandy's at Plymouth Beach**, 132 Warren Avenue, Rudolph Ferrucci: *Voted 5/0*

- Comprehensive Entertainment – Radio and TV
- Common Victualler
- Sunday Entertainment – Radio
- Early Sunday Sales – 10:00 am
- Pledge of License to Sandy's at Plymouth Beach, Inc.

#### ADMINISTRATIVE NOTES

The Board approved and executed the Election Warrant.

The Board approved and executed the PILOT agreement for Cedarville Solar Phase II from Renewable Energy Partners voted at the Fall Annual Town Meeting, October 2015 Article 11. This PILOT agreement is for a 1MW facility off Herring Pond Road in Cedarville. The terms of the PILOT are for 20 years, \$13,000 per MW, 2.5% annual escalator and they have reimbursed us \$2,500 for our legal and other expenses in executing this agreement.

On a motion by Sean Page and seconded by Anthony Provenzano Jr, the Board approved and executed an Aquaculture License for Christopher J. Davidson of 12 Hall Street, Plymouth, for a term of (3) years, commencing on 16, 2016 and terminating on March 15, 2019, for use of a two acre area within Plymouth Harbor described by the following coordinates:

Northwest Corner:  
N 41° 59' 8.513"  
W 70° 40' 44.405"

Northeast Corner:  
N 41° 59' 10.075"  
W 70° 40' 41.545"

Southwest Corner  
N 41° 59' 5.776"  
W 70° 40' 41.992"

Southeast Corner:  
N 41° 59' 7.363"  
W 70° 40' 39.197"

On a motion by Anthony Provenzano JR and seconded by John Mahoney, the Board agreed to temporarily "unadopt" the version of the Retirement Benefit Document dated September 1, 2015 and temporarily revert back to the September, 2014 version in order to provide the Insurance Advisory Committee and opportunity to review.

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#### **9:15pm – COMMITTEE LIAISON / DESIGNEE UPDATES**

None

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#### **9:20PM - OLD BUSINESS / LETTERS / NEW BUSINESS**

David Malaguti, Selectmen, wanted to touch on a subject that he and Melissa Arrighi chatted about before the meeting. He asked Ms. Arrighi where the policy stood in regards to license requirements included in job description.

Melissa Arrighi, Town Manager, replied by saying that it varies from contract to contract. She stated that some can be waived and also said that some changes still need to be made to outdated job descriptions.

Mr. Malaguti stated that it's hard for him to understand and said if it's a requirement for the job then that's the way it should be.

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**8:42PM - ADJOURNMENT**

On a motion by Anthony Provenzano Jr and seconded by Sean Page, the Board voted to adjourn the meeting. *Voted 5/0*

*By Roll Call: Tavares-Yes, Provenzano-Yes, Mahoney-Yes, Page-Yes, Malaguti-Yes*

Recorded by: Christopher Badot

*Administrative Assistant to the Board of Selectmen*